

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.26695 of 1996

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DATED: 20-02-2006

Between:

D.Ramappa . . .Petitioner

And

The District Collector, Mah'bad,
and others . . .Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.26695 of 1996

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ORDER:

The petitioner was recognized as a protected tenant in respect of Ac.2-06 guntas of land in Survey No.267 of Gokafasalwad Village, Doulatabad Mandal, Mahabubnagar District. Subsequently, he was issued an ownership certificate under Section 38-E of the Andhra Pradesh (Telangana Area) Tenancy Agricultural Lands Act, 1950 (for short "the Act"), vide proceedings, dated 18-09-1975, by the Revenue Divisional Officer, Narayanpet.

The petitioner complains that the fourth respondent purchased the said land and thereafter, assumed possession. He complains that though he approached respondents 1 to 3 for restoration of possession, no action has been taken thereon.

Heard the learned counsel for the petitioner and learned Government Pleader for respondents 1 to 3 and Sri P.Raghuram for respondent No.4.

Sub-Section (2) of Section 38-E of the Act enables a protected tenant, who was issued ownership certificate under sub-section (1) of Section 38-E of the Act, to approach the concerned revenue authority for restoration of possession of the land, in case he has been dispossessed by the original landlord or any person claiming through him.

Learned counsel for the petitioner submits that further steps on the application submitted by the petitioner could not be taken, on account of the fact that the fourth respondent had filed a suit and obtained an order of temporary injunction. It is not known whether the suit is still pending or it has been since disposed of.

In case the suit is still pending, the petitioner can certainly move the concerned civil Court and apprise it of the various provisions of the Act including Section 99, which ousts jurisdiction of civil Courts, in respect of the lands covered by the Act. On the other hand, if no injunction is operating against the petitioner, he can approach the third respondent with an appropriate application under sub-section (2) of Section 38-E of the Act.

For the foregoing reasons, the writ petition is disposed of, leaving it open to the petitioner to approach the third respondent with appropriate application. As and when such application is submitted, the third respondent shall consider the same and pass appropriate orders, within a period of two months from the date of such presentation, after issuing notices to the affected parties. There shall be no order as to costs.

(L.NARASIMHA REDDY, J)

20th FEBRUARY, 2006.

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